

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2010-003106

10/28/2010

HON. EDWARD O. BURKE

CLERK OF THE COURT

L. Nixon

Deputy

KEITH DEERING, et al.

LANCE R BROBERG

v.

GARY WHITING, et al.

GREGORY G MCGILL

WADE M BURGESSON

PAUL A CONANT

MARK DEATHERAGE

PAULA HENRIE

3518 N 1450 W

PLEASANT GROVE UT 84062

GARY HENRIE

3518 N 1450 W

PLEASANT GROVE UT 84062

JARED C SIMMONS

DAVID A RAMEDEN

ORAL ARGUMENT SET

3:02 p.m. In chambers: This is the time set for Telephonic Hearing. Plaintiffs are telephonically represented by counsel, Paul M Conant. Court appointed Receiver, Edward M. Burr, Jr. is telephonically represented by counsel, Wade M. Burgeson. Intervenor Dalembert, Roberts and Shah are telephonically represented by counsel, Mark Deatherage.

No court reporter is present.

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Discussion is held regarding the parties' Joint Motion for Approval of Return of Assets to Receiver and Approval of Indebtedness for CME/CMG Pursuant to Settlement Agreement and Request for Expedited Ruling and Intervenor's Motion to Substitute Receiver and Request for Expedited Consideration and Motion to Shorten Response Time which requests that the court discharge the current receiver, Edward M. Burr, Jr., approve his final accounting and exonerate the receiver's surety bond.

Counsel propose an expedited schedule regarding the briefing of these motions.

Counsels' request is GRANTED all in accordance with the formal written Order signed by the court on October 28, 2010, and filed by the clerk on October 29, 2010.

IT IS ORDERED objections to these motions may be filed by **12:00 p.m. on November 2, 2010.**

IT IS ORDERED setting Oral Argument on **November 4, 2010, at 11:00 a.m. (15 min.)** before:

**HONORABLE EDWARD O. BURKE  
OLD COURT HOUSE  
1<sup>st</sup> FLOOR, COURTROOM 103  
125 WEST WASHINGTON STREET  
PHOENIX AZ 85003  
602-506-6538 TEL**

Argument shall be heard on the following motions:

- The parties' Joint Motion for Approval of Return of Assets to Receiver and Approval of Indebtedness for CME/CMG Pursuant to Settlement Agreement and Request for Expedited Ruling;
- Intervenor's Motion to Substitute Receiver and Request for Expedited Consideration and Motion to Shorten Response Time; and
- Any objections filed thereto.

If no objections are received, the court will be inclined to grant the motions.

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The parties may appear telephonically. Counsel will need to confer as the Court cannot accept multiple calls. If all parties wish to appear telephonically, Plaintiff's counsel shall initiate the conference call. The Court's phone number is (602) 506-6538. Transmissions over cellular telephones and speaker phones are not clearly received by the Court's phone system and, therefore, are not allowed.

The Court will not honor agreements by the parties to modify the briefing schedule set forth in the Rules of Civil Procedure unless it is notified by stipulation in writing of the terms of the agreement before the rule-imposed deadline expires **and** the motion is fully briefed at least 5 judicial days prior to the hearing.

3:23 p.m. Hearing concludes.